



NUCLEAR ENERGY INSTITUTE

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Mr. Patrick I. Castleman
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

REFERENCE: Comments on the “*Communication Plan for Revised Fuel Cycle Facility Oversight Process*” (October 4, 2000 version)

Dear Mr. Castleman:

The Nuclear Energy Institute (NEI)¹ and its fuel cycle facility licensee members have reviewed the draft Communication Plan that the NRC will use to inform interested stakeholders of revisions made to the regulatory oversight program for fuel cycle facilities. We are pleased to offer the following comments on the latest working draft of this document.

We believe the proposed Communications Plan should be revised to be more concise and better focused. In its current form, the Communications Plan overestimates public interest and underestimates stakeholder confidence and familiarity with both the licensees’ demonstrated safety performance and the NRC as a regulator. Decades of experience have shown that on a daily basis, members of the public and external stakeholders rarely express interest or concern about fuel cycle facilities. Even in September 1999 when the Tokaimura accident occurred, external stakeholder concern and public interest lasted just a few days. We consider this short duration

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI’s members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Mr. Patrick I. Castleman
Nuclear Regulatory Commission
February 1, 2001
Page 2

interest to reflect public confidence in both the licensee's demonstrated safety performance and in the NRC as regulator of such licensees. While the introduction of risk-informed oversight does constitute an important change for both licensees and the NRC inspection and enforcement staff who will be responsible for its implementation, we believe the impacts on the public will be minimal.

Based on the level of public interest expressed by external stakeholders, and especially residents living near fuel cycle facilities, in other changes implemented at fuel cycle facilities, we question the need for the numerous public meetings that are called for. If the regulatory oversight program simply entails risk-informing of the Licensee Performance Review (LPR) process that has been used for many years, the level of external stakeholder interest would likely be even less. The Communications Plan foresees the need for a new NUREG to explain the revised oversight process as well as the scheduling of town meetings and university forums and dissemination of detailed information to state legislators, other federal agencies, community leaders, cable television and the press. Such communication strategies may be appropriate, for example, the siting of a new facility or a major operational change, but will simply incur unnecessary expense and divert NRC and licensee staff from the performance of more safety-significant tasks.

The Communications Plan will be more effective if it focuses less on numerous public hearings for a not-too-interested public, and focuses more on specific external stakeholders who have an ongoing responsibility or interest in the subject. Many of the external stakeholders are local officials who represent the public and who are familiar with the licensees and the agency.

The use of resources and expertise developed by the agency's Office of Public Affairs will improve communications materials and plans. A document – a brochure or paper – that explains in easily understood language the changes to be made would be useful with a variety of stakeholders. That type of publication, written to explain the changes in regulatory oversight for nuclear power plants, proved to be a very effective way to communicate with stakeholders and the public. This document was available in print and on the NRC's web site, which is a mainstay of the agency's communications programs and where many stakeholders and members of the public go for agency information.

We have several specific comments on the draft Communications Plan:

- **General Outline:** the Communications Plan assumes that the reactor model of

oversight will be imposed on fuel cycle facilities. In fact, industry is proposing continued use of the existing LPR process in preference to the reactor model.

- **Strategies:** the Communications Plan envisions a formal, custom Communications Plan for each licensed facility. This is far too detailed and an unnecessary requirement. The licensee should have available information for distribution that summarizes in plain English the principles of the revised LPR process applicable to all licensees.
- **Key Messages:** we recommend revision of the three Key Messages as follows (text additions are underlined; text deletions are struck through):
 - ***“Continue to maintain safety, protection of the environment and the common defense and security ~~by establishing~~ with a regulatory oversight framework...*”:** the issue is not to “establish” a regulatory framework as one – the LPR – already exists.
 - ***“Maintain ~~Enhance~~ public confidence by increasing the effectiveness, efficiency...*”:** there is a high measure of public confidence in fuel cycle operations now. Revision of the oversight process will certainly maintain this confidence
 - ***“Simplify ~~Reduce unnecessary regulatory burden on~~ processes for the licensees and other stakeholders...”*** “reductions” may incorrectly be interpreted to mean that the NRC is reducing its regulation of fuel cycle facilities. Recommend use of “simplify”
- **Audience and Activities:** Continued reference is made to a pilot program for implementing the revised regulatory oversight program and the need for post-pilot program public meetings. The pilot program was dropped at the September 2000 Public Meeting and should be omitted from the Communications Plan. The potential audience both within the NRC and for external stakeholders to which the revised program will be presented seems far too broad. NEI recommends that information and training in the program revisions be limited to those who actually implement the program.
- **Internal Stakeholder Activities:** the Communications Plan calls for *“...sensitivity and change management techniques...to ease anxieties about future reforms and how they might affect individuals...”*. Revisions to the oversight program will necessitate changes in how facilities are inspected and how their safety performance is assessed. The need for sensitivity and change management instruction is not apparent and seems superfluous.
- **Tools:** NEI concurs with the need stated in the Communication Plan for an overview of the new oversight program in plain English. This brief document would be helpful for distribution to interested stakeholders when requested.

Mr. Patrick I. Castleman
Nuclear Regulatory Commission
February 1, 2001
Page 4

- **Appendix A:** as stated earlier, NEI believes the potential external stakeholders are too broadly defined. The Federal Emergency Management Agency (FEMA), for example, has no direct involvement in fuel cycle operations and should be deleted from the list of other federal agencies that the NRC may wish to inform of the process changes. We similarly question the need for a NUREG to describe the program and would recommend that resources be devoted to updating NRC Inspection and Enforcement Manuals. We do not see the need for an additional 8 local and 12 Washington-based public meetings to disseminate the results of the revised oversight process.

We appreciate the opportunity to comment upon the NRC's draft Communications Plan for revision of the fuel cycle Regulatory Oversight Program. We should be pleased to answer any questions that you may have on our comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Felix M. Killar, Jr.", written in dark ink.

Felix M. Killar, Jr.